

Subpart D—Procedure Governing Availability of Commission Records—Freedom of Information Act

§ 503.31 Records available at the Office of the Secretary.

The following records are available for inspection and copying at the Federal Maritime Commission, Office of the Secretary, Washington, DC 20573, without the requirement of a written request. Access to requested records may be delayed if they have been sent to archives.

(a) Proposed and final rules and regulations of the Commission including general substantive rules and statements of policy and interpretations.

(b) Rules of Practice and Procedure.

(c) Reports of decisions (including concurring and dissenting opinions), orders and notices in all formal proceedings and pertinent correspondence.

(d) Official docket files (transcripts, exhibits, briefs, etc.) in all formal proceedings,¹ except for materials which are the subject of a protective order.

(e) Correspondence to or from the Commission or Administrative Law Judges concerning docketed proceedings.

(f) Press releases.

(g) Approved summary minutes of Commission actions showing final votes, except for minutes of closed Commission meetings which are not available until the Commission publicly announces the results of such deliberations.

(h) Annual reports of the Commission.

[55 FR 38329, Sept. 18, 1990]

§ 503.32 Records generally available.

The following Commission records are generally available for inspection and copying, without resort to Freedom of Information Act procedures, upon request in writing addressed to the Office of the Secretary:

(a) Agreements filed and in effect pursuant to section 15 of the Shipping

Act, 1916 and sections 5 and 6 of the Shipping Act of 1984.

(b) Agreements filed under section 15 of the Shipping Act, 1916 and section 5 of the Shipping Act of 1984 which have been noticed in the FEDERAL REGISTER.

(c) Tariffs filed under the provisions of the Shipping Act, 1916, the Intercoastal Shipping Act, 1933, and the Shipping Act of 1984.

(d) Terminal tariffs filed pursuant to part 514 of this chapter.

(e) List of certifications of financial responsibility pertaining to Public Law 89-777.

(f) List of licensed ocean freight forwarders.

[49 FR 44401, Nov. 6, 1984, as amended at 55 FR 38330, Sept. 18, 1990; 60 FR 27229, May 23, 1995]

§ 503.33 Other records available upon written request under the Freedom of Information Act.

(a) A member of the public who requests permission to inspect, copy or be provided with any Commission records not described in §§ 503.31 and 503.32 shall:

(1) Submit such request in writing to the Secretary, Federal Maritime Commission, Washington, DC 20573. Any such request shall be clearly marked on the exterior with the letters FOIA; and

(2) Reasonably describe the record or records sought.

(b) The Secretary shall evaluate each request in conjunction with the official having responsibility for the subject matter area and the General Counsel, and the Secretary shall determine whether or not to grant the request in accordance with the provisions of §§ 503.34 and 503.35.

[55 FR 38330, Sept. 18, 1990]

§ 503.34 Procedures on requests for documents.

(a) *Determination of compliance with requests for documents.* (1) Upon request by any member of the public for documents, made in accordance with the rules of this part, the Commission's Secretary or his or her delegate in his or her absence, shall determine whether or not such request shall be granted.

(2) Except as provided in paragraph (c) of this section, such determination

¹Copies of transcripts may be purchased from the reporting company contracted for by the Commission. Contact the Office of the Secretary for the name and address of this company.